



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the Rules**

**Chamber Ref:** FTS/HPC/CV/24/2688

**Re:** Property at Ground Floor Right (Flat B), 34 Mid Stocket Road, Aberdeen, AB15 5JJ (“the Property”)

**Parties:**

Emslie Properties Limited, PO Box 29487, Banchory, Aberdeenshire, AB31 9AN (“the Applicant”) per their agents Raeburn Christie Clark & Wallace LLP 12-16 Albyn Place, Aberdeen, AB10 1PS (“the Applicant’s Agents”)

Mr Paul Hampson, Ground Floor Right (Flat B), 34 Mid Stocket Road, Aberdeen, AB15 5JJ (“the Respondent”)

**Tribunal Members:**

Karen Moore (Legal Member) and Elaine Munroe (Ordinary Member)

**Decision (in absence of the Respondent)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for payment of FIVE THOUSAND FOUR HUNDRED POUNDS (£5,400.00) Sterling together with interest at the rate of 8% per annum.

**Background**

1. By application dated 12 June 2024 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment in the sum of £2,700.00 in respect of rent due and owing from a private residential tenancy between the Parties.
2. The Application comprised the following:

- i) copy private residential tenancy agreement between the Parties dated 19 October 2022 showing a monthly rent of £450.00;
  - ii) copy rent statement showing arrears of £2,700.00 due and owing at June 2024 and with no payments received since December 2023;
  - iii) pre-action requirements (PARs) letters sent to the Respondent.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the "CMD") was fixed for 17 December 2024 at 10.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to the Respondent by Sheriff Officer service on 7 November 2024.
  4. Prior to the CMD, the Applicant's Agents amended the amount of rent due and owing to £4,950.00 and intimated this amendment to the Respondent. The Applicant's Agents reserved the right to make a further amendment increasing the rent due in the event that the December 2024 instalment was unpaid.

#### **CMD**

5. The CMD took place on 17 December 2024 at 10.00 by telephone. The Applicant was not present and was represented by Mr. Doran of the Applicant's Agents. The Respondent was not present and was not represented. He did not submit written representations.
6. Mr. Doran confirmed that the Applicant sought a payment Order in the sum of £5,400.00 being the amount currently due. The Tribunal was satisfied that this sum had been notified to the Respondent and amended the Application to this extent. Mr. Doran confirmed that the interest on that sum was sought as specified in the Application.

#### **Issue for the Tribunal**

6. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussion .....including making a decision*". The Tribunal took the view that it had sufficient information to make a decision. Therefore, the Tribunal proceeded to determine the Application.

#### **Findings in Fact**

7. From the Application and the CMD, the Tribunal made the following findings in fact: -
  - i) There is a private residential tenancy of the Property between the Parties commencing on 19 October 2022;
  - ii) The monthly rent is £450.00;

- iii) Rent due and owing by the Respondent to the Applicant amounts to £5,400.00 to date;
- iv) PAR letters were issued on behalf of the Applicant to the Respondent;
- v) The Respondent is refusing to pay the rent due without reason;
- vi) The Applicant is entitled to interest at the judicial rate on the sum due.

### **Decision and Reasons for Decision**

8. The Tribunal had regard to all the information before it and to its Findings in Fact. Having found that rent amounting to £5,400.00 is due and owing by the Respondent to the Applicant and that the Applicant is entitled to interest at the judicial rate on the sum due, the Tribunal made a payment Order in the sum of FIVE THOUSAND FOUR HUNDRED POUNDS (£5,400.00) Sterling together with interest at the rate of 8% per annum.

9. This Decision is unanimous.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

# K. Moore

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Legal Member/Chair

17 December 2024.

Date